REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed March 09, 2007. Through this response, claims 7, 9, 22, and 28 have been amended, and claims 15, 24 and 30 have been canceled without prejudice, waiver, or disclaimer. Reconsideration and allowance of the application and pending claims 1-14, 16-23, 25-29, and 31-35 are respectfully requested.

I.   **Claim Objections**

Claims 7-9 have been objected to because of various informalities. Applicants have amended claims 7 and 9 as suggested, though cannot find the alleged informality in claim 8.

In view of the above-noted claim amendments, Applicants respectfully submit that the claims are not objectionable and respectfully request that the objection be withdrawn.

II.   **Claim Rejections - 35 U.S.C. § 102(e)**

A.   **Statement of the Rejection**

Claims 1, 3, 4, 8, 10-17, 19-32, and 34-36 have been rejected under 35 U.S.C. § 102(e) as allegedly anticipated by *Bryant et al.* ("*Bryant*," U.S. Pat. No. 2004/0201690). Applicants respectfully traverse this rejection where not rendered moot by amendment.

B.   **Discussion of the Rejection**

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e).

In the present case, not every feature of the claimed invention is represented in the *Bryant* reference. Applicants discuss the *Bryant* reference and Applicants' claims in the following.

Independent Claim 1

Claim 1 recites (with emphasis added):

1.   A method implemented by a digital camera, comprising the steps of:
　　　　receiving a first user input corresponding to an image displayed by a digital camera;
　　　　down-sampling image data corresponding to the image responsive to the first user input; and
　　　　storing the down-sampled image data in non-volatile memory.

Applicants respectfully submit that *Bryant* fails to disclose, teach, or suggest at least the above-emphasized features. The Office Action appears (based on page 3) to equate the "first user input" to reference numeral "112" in *Bryant*, which (in FIG. 3A of *Bryant*) recites "user reviews captured images on camera display." It is unclear from the specification, particularly the cited paragraphs [0051 and [0052] of *Bryant* whether the review occurs "post" retrieval from the memory card or "pre-retrieval." However, the ability to capture a plurality of groups (decision step 104 in FIG. 3A of *Bryant*) before implementing user review would reasonably suggest that JPEG images are retrieved from the memory card in *Bryant* given storage constraints. Hence, *Bryant* does not disclose, teach, or suggest JPEG compression "responsive to the first user input." Accordingly, for at least the reasons set forth above, Applicants respectfully submit that claim 1 is allowable over *Bryant*, and thus respectfully request that the rejection be withdrawn.

Because independent claim 1 is allowable over *Bryant*, dependent claims 3 and 4 are allowable as a matter of law for at least the reason that the dependent claims 3 and 4 contain all elements of their respective base claim. See, *e.g.*, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent Claim 8

Claim 8 recites (with emphasis added):

8.   A method implemented by a digital camera, comprising the steps of:
    receiving a first user input corresponding to an image displayed by a digital camera; and
        responsive to receiving the first user input:
        retrieving image data corresponding to the image from a removable memory card coupled to the digital camera; and
        storing image data corresponding to the image in non-volatile memory that is part of the digital camera.

Applicants respectfully submit that *Bryant* fails to disclose, teach, or suggest at least the above-emphasized features. Page 3 of the Office Action appears to equate RAM memory (326) in *Bryant* to "non-volatile memory," which is inaccurate. RAM memory is considered by one having ordinary skill in the art to be volatile memory, not non-volatile. Accordingly, Applicants respectfully submit that claim 8 is allowable over *Bryant*, and respectfully request that the rejection to claim 8 be withdrawn.

Because independent claim 8 is allowable over *Bryant*, dependent claims 10-12 are allowable as a matter of law.

Independent Claim 13

Claim 13 recites (with emphasis added):

13.   A method implemented by a digital camera, comprising the steps of:
    receiving a plurality of user inputs corresponding to a plurality of respective images displayed by the digital camera;
    designating the plurality of images as favorite images responsive to the plurality of respective user inputs;
        responsive to the plurality of user inputs:
        down-sampling the plurality of images; and
        storing the down-sampled images in non-volatile memory in the digital camera;
    receiving another user input corresponding to an option to display favorite images; and
        displaying at least one of the plurality of images responsive to receiving the other user input.

Applicants respectfully submit that the amendments to claim 13 have rendered the rejection moot. Further, for similar reasons set forth above in association with claim 1, Applicants respectfully submit that *Bryant* fails to disclose, teach, or suggest at least the above-emphasized features. Accordingly, Applicants respectfully submit that claim 13 is allowable over *Bryant*, and respectfully request that the rejection to claim 13 be withdrawn.

Because independent claim 13 is allowable over *Bryant*, dependent claims 14 and 16 are allowable as a matter of law.

Independent Claim 17

Claim 17 recites (with emphasis added):

17.   A digital camera comprising:
        non-volatile memory; and
        at least one processor that is programmed to:
                down-sample image data corresponding to an image displayed by
                        the digital camera responsive to the digital camera receiving
                        a user input; and
                provide the down-sampled image data to the non-volatile memory.

For similar reasons set forth above in association with claim 1, Applicants respectfully submit that *Bryant* fails to disclose, teach, or suggest at least the above-emphasized features. Accordingly, Applicants respectfully submit that claim 17 is allowable over *Bryant*, and respectfully request that the rejection to claim 17 be withdrawn.

Because independent claim 17 is allowable over *Bryant*, dependent claims 19-21 are allowable as a matter of law.

Independent Claim 22

Claim 22 recites (with emphasis added):

22.   A digital camera comprising:
        a display; and

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at least one processor that is programmed to:
designate a plurality of images as favorite images responsive to the digital camera receiving a plurality of respective user inputs; and
provide image data corresponding to at least one of the plurality of images to the display responsive to the digital camera receiving another user input corresponding to an option to display favorite images,
wherein the at least one processor is further programmed to down-sample data corresponding to each of the plurality of images responsive to each of the plurality of respective user inputs.

Applicants respectfully submit that the amendments to claim 22 have rendered the rejection moot. Further, for similar reasons set forth above in association with claim 1, Applicants respectfully submit that *Bryant* fails to disclose, teach, or suggest at least the above-emphasized features. Accordingly, Applicants respectfully submit that claim 22 is allowable over *Bryant*, and respectfully request that the rejection to claim 22 be withdrawn.

Because independent claim 22 is allowable over *Bryant*, dependent claims 23 and 25-27 are allowable as a matter of law.

Independent Claim 28

Claim 28 recites (with emphasis added):

28.   A digital camera comprising:

means for receiving a plurality of user inputs corresponding to a plurality of respective images displayed by the digital camera;
means for designating the plurality of images as favorite images responsive to the plurality of respective user inputs;
means for down-sampling the plurality of images;
means for storing the down-sampled images; and
means for displaying at least one of the plurality of images responsive to receiving another other user input corresponding to an option to display favorite images.

Applicants respectfully submit that the amendments to claim 28 have rendered the rejection moot. Further, for similar reasons set forth above in association with claim 1, Applicants respectfully submit that *Bryant* fails to disclose, teach, or suggest at least the above-emphasized features. Accordingly, Applicants respectfully submit that claim 28 is allowable over *Bryant*, and respectfully request that the rejection to claim 28 be withdrawn.

Because independent claim 28 is allowable over *Bryant*, dependent claims 29 and 31 are allowable as a matter of law.

Independent Claim 32

Claim 32 recites (with emphasis added):

32.   A method implemented by a digital camera, comprising the steps of:
receiving a first user input corresponding to an image displayed by a digital camera;
converting a first set of data corresponding to the image to a second set of data responsive to the first user input, wherein the second set of data is smaller than the first set of data; and
storing the second set of data in non-volatile memory.

For similar reasons set forth above in association with claim 1, Applicants respectfully submit that *Bryant* fails to disclose, teach, or suggest at least the above-emphasized features. Accordingly, Applicants respectfully submit that claim 32 is allowable over *Bryant*, and respectfully request that the rejection to claim 32 be withdrawn.

Because independent claim 32 is allowable over *Bryant*, dependent claims 34 and 35 are allowable as a matter of law.

Independent Claim 36

Claim 36 recites (with emphasis added):

36.   A computer readable medium having stored thereon computer-readable instructions configured to enable:
receiving a first user input corresponding to an image displayed by a digital camera;
converting a first set of data corresponding to the image to a second set of data responsive to the first user input, wherein the second set of data is smaller than the first set of data; and
storing the second set of data in non-volatile memory.

For similar reasons set forth above in association with claim 1, Applicants respectfully submit that *Bryant* fails to disclose, teach, or suggest at least the above-emphasized features. Accordingly, Applicants respectfully submit that claim 36 is allowable over *Bryant*, and respectfully request that the rejection to claim 36 be withdrawn.

Due to the shortcomings of the *Bryant* reference described in the foregoing, Applicants respectfully assert that *Bryant* does not anticipate Applicants' claims. Therefore, Applicants respectfully request that the rejection of these claims be withdrawn.

III.   **Claim Rejections - 35 U.S.C. § 103(a)**

A.   **Statement of the Rejection**

Claims 2, 6, and 33 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Bryant*. Claims 5 and 18 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Bryant* and further in view of *Anderson* ("*Anderson*," U.S. Pat. No. 5,973,734). Claims 7 and 9 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Bryant* and further in view of *Cazier et al.* ("*Cazier*," U.S. Pat. No. 6,900,835). Applicants respectfully traverse these rejections.

B.   **Discussion of the Rejection**

The U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness according to the factual inquiries expressed in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). The four factual inquires, also expressed in MPEP 2100-116, are as follows:

(A)   Determining the scope and contents of the prior art;

(B)   Ascertaining the differences between the prior art and the claims in issue;

(C)   Resolving the level of ordinary skill in the pertinent art; and

(D)   Evaluating evidence of secondary considerations.

Applicants respectfully submit that a *prima facie* case of obviousness is not established using the art of record.

Claims 2, 6, and 33

As set forth above, Applicants respectfully submit that *Bryant* fails to disclose, teach, or suggest at least the above-emphasized features of independent claims 1 and 32. For at least the reason that claims 2, 6, and 33 incorporate the respective allowable claim features, Applicants respectfully submit that claims 2, 6, and 33 are allowable as a matter of law, and respectfully request that the rejection be withdrawn.

Claims 5 and 18

As set forth above, Applicants respectfully submit that *Bryant* fails to disclose, teach, or suggest at least the above-emphasized features of independent claims 1 and 17. *Anderson* fails to remedy this deficiency. For at least the reason that claims 5 and 18 incorporate the respective allowable claim features, Applicants respectfully submit that claims 5 and 18 are allowable as a matter of law, and respectfully request that the rejection be withdrawn.

Claims 7 and 9

As set forth above, Applicants respectfully submit that *Bryant* fails to disclose, teach, or suggest at least the above-emphasized features of independent claims 1 and 8. *Cazier* fails to remedy this deficiency. For at least the reason that claims 7 and 9 incorporate the respective allowable claim features, Applicants respectfully submit that claims 7 and 9 are allowable as a matter of law, and respectfully request that the rejection be withdrawn.

In summary, it is Applicants' position that a *prima facie* for obviousness has not been made against Applicants' claims. Therefore, it is respectfully submitted that each of these claims is patentable over the art of record and that the rejection of these claims should be withdrawn.

IV. Canceled Claims

As identified above, claims 15, 24 and 30 have been canceled from the application through this Response without prejudice, waiver, or disclaimer. Applicants reserve the right

to present these canceled claims, or variants thereof, in continuing applications to be filed subsequently.

CONCLUSION

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, and similarly interpreted statements, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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